

1 AMANDA H. SAXTON
Chief of Enforcement
2 MARGARET E. FIGEROID
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 322-5660
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9
10 STATE OF CALIFORNIA

11 In the Matter of) FPPC No.: 02/103
12)
13 NO ON MEASURE C and CAROL JANSEN,) DEFAULT DECISION AND
14) ORDER
15 Respondents.) (Government Code Sections 11506
16) and 11520)

17 Complainant Michael B. Salerno, Executive Director of the Fair Political Practices Commission,
18 hereby submits this Default Decision and Order for consideration by the Fair Political Practices
19 Commission at its next regularly scheduled meeting.

20 Pursuant to the California Administrative Procedure Act,¹ Respondents No on Measure C and
21 Carol Jansen have been served with all of the documents necessary to conduct an administrative hearing
22 regarding the above-captioned matter, including the following:

- 23 1. An Order Finding Probable Cause;
24 2. An Accusation;
25 3. A Notice of Defense (Two Copies);
26 4. A Statement to Respondent; and,
27 5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

28 ¹ The California Administrative Procedure Act, which governs administrative adjudications, is contained in sections 11370 through 11529 of the Government Code.

Government Code section 11506 provides that failure of a respondent to file a Notice of Defense within fifteen days after being served with an Accusation shall constitute a waiver of respondent's right to a hearing on the merits of the Accusation. The Statement to Respondent, served on Respondents No on Measure C and Carol Jansen, explicitly stated that a Notice of Defense must be filed in order to request a hearing. Respondents failed to file a Notice of Defense within fifteen days of being served with an Accusation. Government Code Section 11520 provides that, if the respondent fails to file a Notice of Defense, the Commission may take action, by way of a default, based upon the respondent's express admissions or upon other evidence, and that affidavits may be used as evidence without any notice to the respondent.

Respondents No on Measure C and Carol Jansen violated the Political Reform Act as described in Exhibit 1, and accompanying declarations, which are attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the law and evidence in this matter. This Default Decision and Order is submitted to the Commission to obtain a final disposition of this matter.

Dated: _____

Michael B. Salerno
Executive Director
Fair Political Practices Commission

ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$30,000 (Thirty Thousand Dollars) upon Respondents No on Measure C and Carol Jansen, payable to the "General Fund of the State of California."

IT IS SO ORDERED, effective upon execution below by the Chairman of the Fair Political Practices Commission at Sacramento, California.

Dated: _____

Ross Johnson, Chairman
Fair Political Practices Commission